Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Item 7 of the provisional agenda
Review of the operation and status of the Convention

Proposed decision related to the implementation machinery

Submitted by the President-Designate of the Third Review Conference

1. Based upon the paper entitled **Proposal for a meeting programme and related implementation machinery, 2014-2019** (APLC/CONF/2014/PM.2/WP.2) and the discussion on this document at the Conference's Second Preparatory Meeting, the Conference agreed to establish the following mechanisms, thereby replacing the five Standing Committees established by decisions taken at previous Meetings of the States Parties and Review Conferences:

(a) The Committee on Article 5 Implementation

(b) The Committee on Cooperative Compliance

(c) The Committee on Victim Assistance

(d) The Committee on Enhancing Cooperation and Assistance

2. The Conference agreed to the purpose, membership and mandates of the above mentioned mechanisms, as contained in annex […] to the final report.

3. In taking decisions on machinery to support implementation in the period following the Third Review Conference, the Conference emphasised the importance of these decisions in improving the management of the work of the Convention in a highly cooperative manner, that these mechanisms do not have decision making authority, which clearly rests with all States Parties at Meetings of the States Parties and Review Conferences, and that those selected to the positions of responsibility will be accountable to the States Parties including by keeping the States Parties apprised of their activities. There will be no additional mandatory cost to the States Parties for the functioning of these mechanisms.

4. The Conference agreed to elect office-holders as follows:

(a) [---] and [---] to serve as members of the Committee on Article 5 Implementation until the end of the Fourteenth Meeting of the States Parties, and [---] and [---] to serve as members of the Committee until the end of the Fifteenth Meeting of the States Parties.

(b) [---] and [---] to serve as members of the Committee on Cooperative Compliance until the end of the Fourteenth Meeting of the States Parties, and [---] and [---] to serve as members of the Committee until the end of the Fifteenth Meeting of the States Parties.

(c) [---] and [---] to serve as a member of the Committee on Victim Assistance until the end of the Fourteenth Meeting of the States Parties, and [---] and [---] to serve as a member of the Committee until the end of the Fifteenth Meeting of the States Parties.

(d) [---] and [---] to serve as members of the Committee on the Enhancement of Cooperation and Assistance until the end of the Fourteenth Meeting of the States Parties, and [---] and [---] to serve as members of the Committee until the end of the Fifteenth Meeting of the States Parties.

5. The Conference agreed that Presidency of His Excellency, Mr. Henrique Banze of Mozambique will continue until 31 December 2014. The Conference further agreed to designate His Excellency Mr. Bertrand de Crombrugghe, Ambassador of Belgium, President of the Fourteenth Meeting of the States Parties, with his term to start on 1 January 2015, and to end at the conclusion of that meeting. Subsequent Presidents will be elected at each Meeting of the States Parties for one-year terms running from the conclusion of the Meeting at which they are elected until the conclusion of the Meeting over which they preside.

6. The Conference agreed that, beginning in 2015, a Meeting of the States Parties will be convened each year at the end of November or beginning of December until the end of 2018, and that the Fourth Review Conference will be held at the end of 2019. The Conference agreed to hold the Fourteenth Meeting of the States Parties in Geneva during the week of November 30 to 4 December 2015. The Conference further noted with appreciation the offer made by Chile to host and preside over the Fifteenth Meeting of the States Parties.

7. The Conference agreed that informal intersessional meetings will be held each year, preferably after the 30 April deadline for submitting transparency information, and that they could comprise a thematic segment and a preparatory segment. These meetings need not be more than two days long, permitting them to be scheduled during the same week as the meetings of related Conventions or activities. The Conference agreed to hold intersessional meetings for a period of up to two days on 4-5 June 2015. Further to provisions of the 2011 agreement between the States Parties and the GICHD concerning implementation support for the Convention, the Conference expressed its appreciation for the GICHD's ongoing support to intersessional meetings.

Annex [...] to the final report of the Third Review Conference

The purpose, mandate, membership and working methods of the states parties' implementation machinery

I. Committee on Article 5 implementation

Purpose

1. The purpose of the Committee on Article 5 Implementation is to intensify efforts, particularly those outlined in the Maputo Action Plan, to ensure that Article 5 is fully implemented as soon as possible, while acknowledging local, national and regional circumstances in its practical implementation.

2. The Committee will fulfil its purpose by providing feedback to States Parties having submitted information on "the location of all mined areas that contain, or are suspected to contain, anti-personnel mines" and on mine clearance programmes as well as their results. Furthermore, the Committee will ensure, as agreed to by the States Parties, that "a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted."

Mandate

3. The mandate of the Committee on Article 5 Implementation is to carry out the following:

(a) Review relevant information on Article 5 implementation submitted by States Parties, including in the context of Article 7 obligations and on efforts undertaken under Article 6 on international cooperation and assistance, seek clarity when required and provide advice and support in a cooperative manner to States Parties on the fulfilment of their obligations to report on Article 5 implementation. The Committee will present preliminary observations at intersessional meetings if need be, and final annual conclusions and recommendations at Meetings of the States Parties or Review Conferences.

(b) Prepare and submit to the States Parties in advance of Meetings of the States Parties or Review Conferences an analysis of each request for an Article 5 extended deadline, taking into account, as relevant, the decisions on the analysis process as agreed to by the Seventh and the Twelfth Meetings of the States Parties.

(c) Engaging relevant States Parties, after any extension requests have been granted, on the implementation of their commitments as contained in requests and related decisions on their requests and. The Committee will present preliminary observations at intersessional meetings if need be, and conclusions and recommendations at Meetings of the States Parties or Review Conferences.

(d) Remain transparent and accountable, including by reporting on activities at both intersessional meetings and Meetings of the States Parties or Review Conferences.

Membership

4. The Committee on Article 5 Implementation will be composed of a representative group of four States Parties serving overlapping two-year terms, including at least one State either in the process of implementing Article 5 or having completed implementation of Article 5 after carrying out mine clearance activities.

5. Each year, the Committee on Article 5 Implementation will select a chair among the States Parties serving the second year of their two-year terms. The Chair will be responsible for convening and chairing meetings, issuing communications on behalf of the Committee and directing the Implementation Support Unit to assist the work of the Committee.

Working methods

6. The Committee on Article 5 Implementation may draw from the working methods established in 2008 by the Article 5 Analysing Group, including by placing a heavy emphasis on cooperation with States Parties in the process of implementing Article 5 and by drawing upon expert input as required. The Committee will strive to reach general agreement in all aspects of its work.

II. Committee on cooperative compliance

Purpose

7. The purpose of the Committee on Cooperative Compliance is to assist the States Parties in acting upon their commitment under Article 8.1 of the Convention to work together in a spirit of cooperation to facilitate compliance in a supportive and amicable manner.

8. The Committee on Cooperative Compliance will improve the management of the work of the Convention in a highly cooperative manner. Its establishment will not supersede the provisions of Article 8 or amend the Convention, and its status and prerogatives will be identical to that of other elements of the Convention's machinery. The Committee will have no decision-making capacity, which rests solely with the States Parties.

Mandate

9. The mandate of the Committee on Cooperative Compliance is to carry out the following:

(a) Objectively and informally consider whether a concern about compliance with the Convention's prohibitions contained in Article 1.1 of the Convention is potentially credible and, if so, to consider any follow up that might be appropriate for States Parties to better understand the situation.

(b) When appropriate, in close consultation with the States Parties concerned, clarify the situation, and if as a result it assesses that the concern is credible, make suggestions on steps that the States Parties concerned could take to ensure that the Convention remains strong and effective.

(c) For cases where the concern is credible, present preliminary observations at intersessional meetings if need be, and conclusions and recommendations at Meetings of the States Parties or Review Conferences.

(d) Remain transparent and accountable, including by reporting on activities at both intersessional and Meetings of the States Parties or Review Conferences.

Membership

10. The Committee on Cooperative Compliance will be composed of the President, who will chair the committee, and a representative group of four States Parties serving overlapping two-year terms as committee members. The Chair will be responsible for

convening and chairing meetings, issuing communications on behalf of the Committee and directing the Implementation Support Unit to assist the work of the Committee.

Working methods

11. The Committee on Cooperative Compliance will strive to reach general agreement in all aspects of its work. The Committee may draw upon expert input as required.

III. COMMITTEE ON VICTIM ASSISTANCE

Purpose

12. Building upon the solid foundation the States Parties have constructed on the issue of victim assistance, the purpose of the Committee on Victim Assistance is to strengthen and advance victim assistance, in particular in States Parties with mine victims in areas under their jurisdiction or control.

13. In doing so, the Committee will ensure balance between ongoing discussions on pertinent aspects of victim assistance within the framework of the Convention itself, and taking the discussion on meeting the needs and guaranteeing the rights of mine victims to other fora where relevant and related issues are debated.

Mandate

14. The mandate of the Committee on Victim Assistance is to carry out the following:

(a) Provide advice and support in a cooperative manner to States Parties in the fulfillment of their commitments under the Maputo Action Plan, draw observations in consultation with the States Parties concerned and assist these States Parties in making their needs known.

(b) Present conclusions and recommendations at intersessional meetings if need be, Meetings of the States Parties or Review Conferences, including on progress, achievements and challenges, in order to strengthen victim assistance.

(c) Take other relevant initiatives to facilitate discussion on ways and means of enhancing victim assistance and to ensure the wellbeing of mine victims.

(d) Raise awareness, in relevant *fora*, of the importance of addressing the needs and guaranteeing the rights of mine victims in broader domains such as health care, disability and human rights, development, poverty reduction, and employment, drawing from the breadth of understandings agreed to by the States Parties on victim assistance.

(e) Remain transparent and accountable, including by reporting on activities at both intersessional meetings and Meetings of the States Parties or Review Conferences.

Membership

15. The Committee on Victim Assistance will be composed of a representative group of four States Parties, serving overlapping two-year terms. Each year, the Committee will select a chair among the States Parties serving the second year of their two-year terms. The Chair of the Committee will be responsible for convening and chairing meetings, issuing communications on behalf of the Committee and directing the Implementation Support Unit to assist the work of the Committee.

Working methods

16. The Committee will draw on the expertise of the ICBL and ICRC and involve them in its work, as permanent observers, as well as invite other States Parties, the United Nations and other relevant international and non-governmental organisations to participate on an ad hoc basis. The Committee will strive to reach general agreement in all aspects of its work.

IV. THE COMMITTEE ON THE ENHANCEMENT OF COOPERATION AND ASSISTANCE

Purpose

17. The purpose of the Committee on the Enhancement of Cooperation and Assistance is to assist the States Parties in the full implementation of Article 6 of the Convention, in line with their reaffirmation that ending the suffering and casualties caused by anti-personnel mines is a shared commitment.

Mandate

18. The Committee on the Enhancement of Cooperation and Assistance is mandated to carry out the following:

(a) Promote cooperation and assistance under the Convention, including by organizing or encouraging the organization of multilateral, regional or national dialogues on cooperation and assistance, in Geneva or elsewhere.

(b) Facilitate the fostering of partnerships between States Parties seeking to receive assistance and those in a position to provide such assistance, including through the use of information exchange tools (e.g. "Platform for Partnerships").

(c) Coordinate with other implementation mechanisms established by the States Parties in order to facilitate and accelerate the full implementation of the Convention.

(d) Present preliminary observations at intersessional meetings if need be, and conclusions and recommendations, if relevant, at Meetings of the States Parties or Review Conferences.

(e) Remain transparent and accountable, including by reporting on activities at both intersessional meetings and Meetings of the States Parties or Review Conferences.

Membership

19. The Committee on the Enhancement of Cooperation and Assistance will be composed of a representative group of four States Parties serving overlapping two-year terms, including an affected State Party and a State Party that is a provider of support or assistance. Each year, the Committee will select a chair among the States Parties serving the second year of their two-year terms. The Chair will be responsible for convening and chairing meetings, issuing communications on behalf of the Committee and directing the Implementation Support Unit to assist the work of the Committee.

Working methods

20. The Committee on the Enhancement of Cooperation and Assistance may draw on the expert input of the ICBL and ICRC and involve them in its work, as well as invite other States Parties, the United Nations and other relevant international and non-governmental

organisations to participate on an ad hoc basis. The Committee will strive to reach general agreement in all aspects of its work.

V. Coordinating committee

Purpose and mandate

21. The Coordinating Committee is a coordinating body and does not have substantive decision-making capacity. Its mandate is to coordinate the work flowing from and related to formal and informal meetings of the States Parties. The Committee will also fulfil responsibilities related to Implementation Support Unit accountability as agreed to at the Tenth Meeting of the States Parties.

Membership

22. The Coordinating Committee will be composed of the President, the President-designate during the year prior to his/her presidency, the members of the Committee on Article 5 Implementation, the members of the Committee on Cooperative Compliance, the members of the Committee on Victim Assistance, and the members of the Committee on the Enhancement of Cooperation and Assistance.

Working methods

23. In keeping with past practice, the Coordinating Committee will invite the United Nations, ICRC, ICBL and GICHD as permanent observers. The Committee will strive to reach general agreement in all aspects of its work.

VI. The President of Meetings of the States Parties or Review Conferences

24. The mandate of the President is to carry out the following:

(a) Chair the Meeting of the States Parties or Review Conference.

(b) Chair intersessional meetings.

(c) Chair the Committee on Cooperative Compliance.

(d) Chair the Coordinating Committee.

(e) Take the lead, in consultation with the Coordinating Committee, with respect to any issue related to the pursuit of the Convention's aims other than those related to the mandates of the above-mentioned committees, including matters related to stockpile destruction under Article 4 and transparency regarding the exceptions contained in Article 3 of the Convention.

(f) Promote the implementation and universalization of the Convention and its norms, including in relevant multilateral and regional fora, as well as at the national level.

(g) Lead efforts to mobilise sufficient resources to fund the operations of the Implementation Support Unit.

(h) Promote coordination amongst all structures established by the States Parties.

(i) Propose a set of new office-holders for agreement by the forthcoming Meeting of the States Parties. The proposed set of office-holders shall be balanced regionally as well as between States Parties in the process of implementing key obligations of the Convention, those in a position to provide financial or other assistance, and other States Parties.

(j) Present a preliminary report on activities at intersessional meetings if need be, as well as use intersessional meetings, when relevant, as a forum for addressing specific topics of interest.

(k) Present a final report on activities, as well as conclusions and recommendations if relevant, at Meetings of the States Parties or Review Conferences.

(l) Any other relevant matters.

VII. Meetings of the States Parties or Review Conference

25. In addition to the provisions of the Convention, the Conference agreed that, keeping with the mandate for Meetings of the States Parties "to consider any matter with regard to the application or implementation of this Convention," these Meetings of the States Parties could inter alia consider:

(a) Conclusions and recommendations of the Committee on Article 5 implementation.

(b) Requests for extended mine clearance deadlines.

(c) If any, conclusions and recommendations of the Committee on Cooperative Compliance.

(d) Conclusions and recommendations of the Committee on Victim Assistance.

(e) Conclusions and recommendations of the Committee on the Enhancement of Cooperation and Assistance.

(f) Any other relevant matters.

(g) The Implementation Support Unit report, audited statement and work plan / budget, pursuant to the 2010 Directive of the States Parties to the Implementation Support Unit.

26. The Conference agreed that Meetings of the States Parties will continue to be a forum where States Parties with obligations under the Convention report on their progress in their implementation of these, and other States Parties as well as other Convention actors, including the United Nations, the ICRC and the ICBL, have an opportunity to provide comments and views during these meetings.

VIII. Intersessional meetings

27. The intersessional meetings are informal meetings that need not be more than two days long, permitting them to be scheduled during the same week as the meetings of related Conventions or activities.

28. The intersessional meetings could comprise a thematic segment and a preparatory segment:

(a) The thematic segment would provide for an interactive discussion on current issues and challenges as proposed by the President.

(b) The preparatory segment will address any issue pertaining to the preparation of the Meeting of States Parties upon proposal of the President.

29. States Parties as well as other Convention actors, including the United Nations, the ICRC and the ICBL, have an opportunity to provide comments and views during these meetings.